

**Notice of Allowability**

Application No.

09/966,927

Applicant(s)

URQUIZO ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-9-2006.
2. ☒ The allowed claim(s) is/are 1-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance: The present invention is related to field of modems and network servers, and more specifically to modems and servers that request a modem-On-Hold and can deny such a request under certain conditions.

The prior art of record in combination or alone fails to teach or suggest these elements of the independent claims 1, 8, 12, 19, 23, 30, 34 and 41 in combination with other elements. For example independent claim 1 has claim limitations such as establish a modem connection with a modem over a telephone line, exchange data with the modem over the modem communication, receive from the modem a first request for temporarily disconnecting the modem connection, grant the first request and starting a timer, receive from the modem a second request for temporarily disconnecting the modem connection again, consult the timer to determine whether a log-in session timeout has been exceeded, and if the log-in session timeout time has been exceeded, deny the second request. Independent claim 8 has claim limitations such as establish a modem connection with a network device over the telephone line, exchange data with network device over the modem connection, transmit through the modem connection a first request for temporarily disconnecting the modem connection, temporarily discontinue the modem connection pursuant to the first request, receive from the network device a warning message that the next request for temporarily disconnecting the modem connection will be denied. Independent claim 12 has similar limitations as independent claim 1. independent claim 19 has similar limitation as independent claim

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8. independent claim 23 has similar limitations as independent claim 1. Independent claim 30 has similar limitations as independent claim 8. Independent claim 34 has similar limitation as independent claim 1. Independent claim 41 has similar limitations as independent claim 8. For the above reasons, independent claims 1, 8, 12, 19, 23, 30, 34, 41 and dependent claims 2-7, 9-11, 13-18, 20-22, 24-29, 31-33, 35-40, 42-44 are allowable.

2. Claims 1-44 allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(6,345,088) to Gu et al. discloses a modem that handles interruptions caused by call waiting signals.

--(6,377,668) to Smock et al. discloses a method and apparatus to inform on line computer user of the incoming telephone call without disabling an associated modem connection.

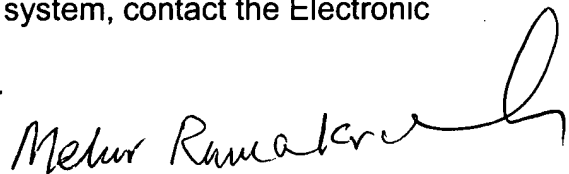
--(6,690,776) to Raasch discloses communication on hold notifier.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614